IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

PUBLISHING TECHNOLOGIES LLC	§	
	§	
Plaintiff,	§	Case No:
	§	
vs.	§	
	§	
CHARLES SCHWAB & CO., INC.	§	
	§	JURY TRIAL DEMANDED
Defendant.	§	
_____	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Publishing Technologies, LLC ("Plaintiff" or "PT"), by and through its attorneys, files this Complaint against Charles Schwab & Co., Inc. ("Defendant" or "Schwab") for infringement of United States Patent Nos. 7,908,342 ("the '342 Patent").

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with its office located at 825 Watters Creek Blvd., Bldg. M, Suite 250, Allen, TX 75013.

4. Upon information and belief, Defendant is a Delaware corporation with a place of business at 211 Main St., San Francisco, CA 94105 and has appointed The Corporation Trust Company as its registered agent for service of process. This Court has personal jurisdiction over

Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

5. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

6. On information and belief, venue is proper in this District pursuant to 28 U.S.C. § 1400(b). Acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District. For instance, Defendant has places of business at 2775 S Central Expy #140, McKinney, TX 75070 and 726 W SW Loop 323 #726, Tyler, TX 75701. On information and belief, Defendant has other regular and established places of business in this District.

COUNT I

(INFRINGEMENT OF UNITED STATES PATENT NO. 7,908,342)

7. Plaintiff incorporates paragraphs 1 through 6 herein by reference.

8. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq*.

9. Plaintiff is the owner by assignment of the '342 Patent with sole rights to enforce the '342 Patent and sue infringers.

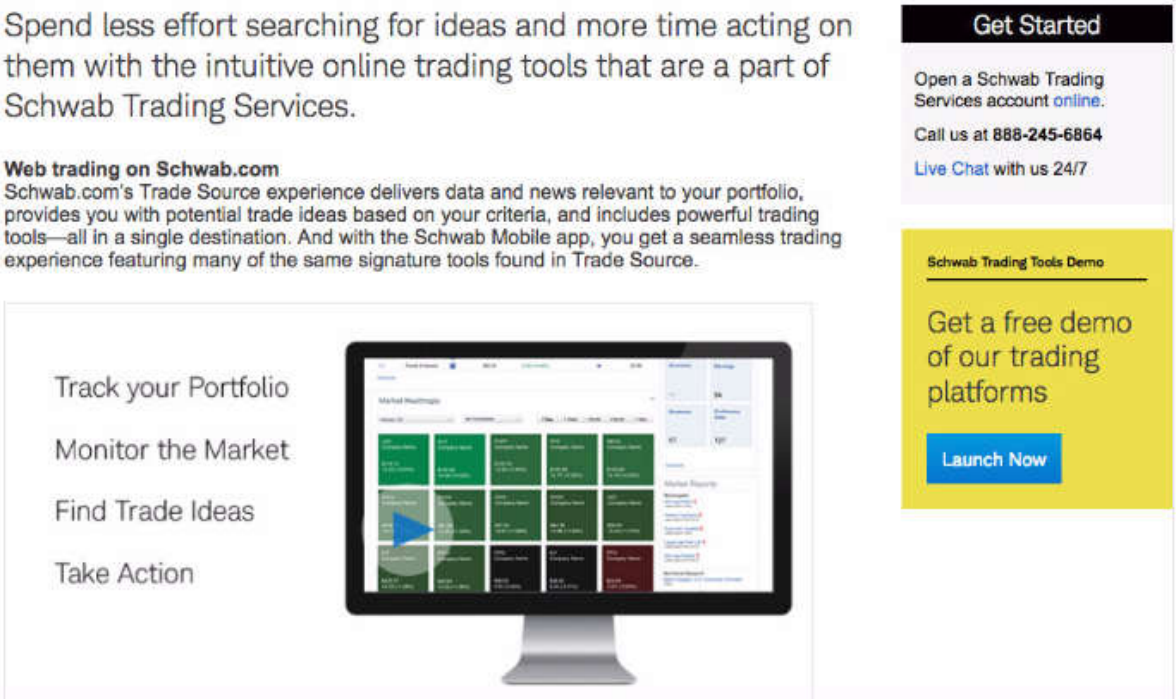
10. A copy of the '342 Patent, titled "Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks," is attached hereto as Exhibit A.

11. The '342 Patent is valid, enforceable, and was duly issued in full compliance with

Title 35 of the United States Code.

12. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 17, of the '342 Patent by making, using, importing, selling, and/or offering for sale an online trading platform and system, which is covered by one or more claims of the '342 Patent. Defendant has infringed and continues to infringe the '342 Patent directly in violation of 35 U.S.C. § 271.

13. Regarding Claim 17, Defendant provides an apparatus for use in managing information content in a network-based communication system. For example, Defendant provides an online trading platform ("Product") that is implemented using at least one server used in managing information content. The server is connected to the Internet, through which it communicates with computing clients such as customers' computers and mobile smartphone/tablet devices. Certain aspects of the foregoing are illustrated in the screenshots below.



http://www.schwab.com/public/schwab/active_trader/trading_tools/web_trading

Trading Tools

Trading Software

- Find Opportunities
- Research & Analyze
- Place Trades
- Risk Management
- Account Management
- Customize Platform
- Access Over Web

Web Trading

Mobile Trading

Execution Quality

Let's chat
Professional answers 24/7

Hi, have questions about our trading services or tools? I can help ...

Print

Trading Software: Research and Analyze

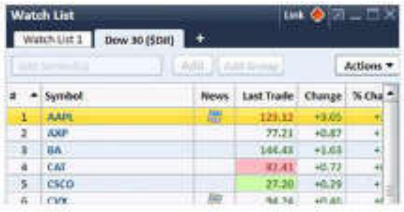
Recognizing and validating potential trade opportunities can be a challenge. That's why StreetSmart Edge's enhanced research and stock analysis features help give you more ways to make faster, informed decisions.

Advanced Stock Charting

- Quickly identify potential trade opportunities.
- Create multiple charts of the same stock for real-time analysis.
- Use built-in crosshairs to zero in on chart data specific to a day and time.

Chart Pattern Recognition

- Receive pattern-based strategy ideas and decision support.
- Find patterns intraday up to 5 years in the past.
- Set up pattern-based alerts to monitor your portfolio or watch list.



Watch List

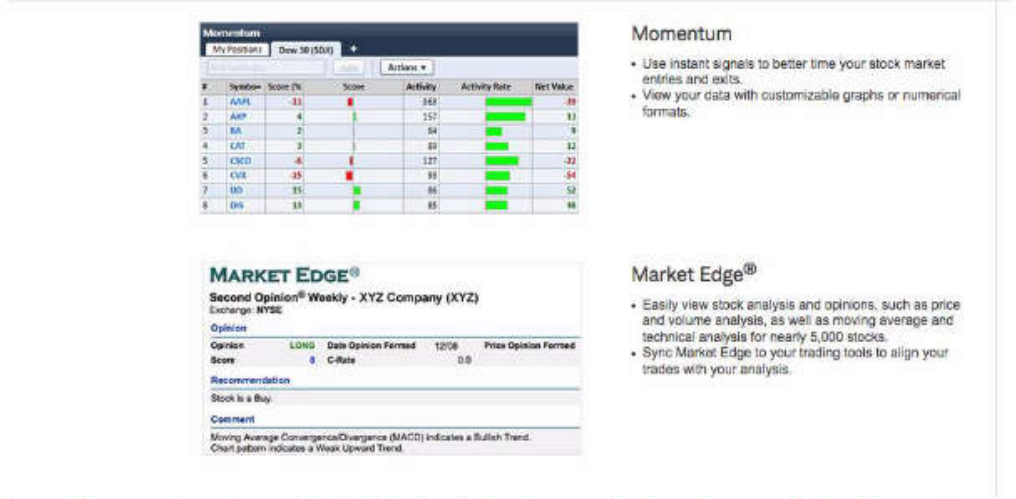
- Monitor the securities that matter to you, whether it's with your pre-defined or custom watch lists, or your dynamically updated account positions.
- Easily save your Screener Plus results as a custom watch list.

Trading Research

- Get a well-rounded view of a company with convenient access to fundamental data including a business summary, a list of executives, and sector/industry information.
- View key metrics including earnings, dividends, ratings, short interest, and more.

Stock Symbol Hub

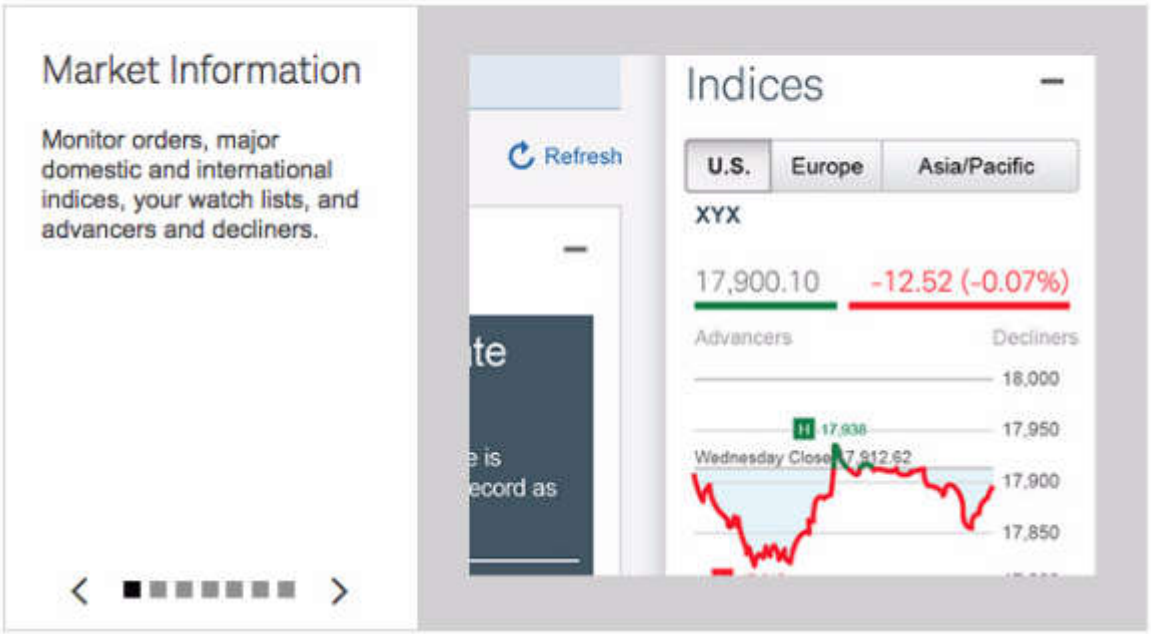
- Key tools are organized within a single window of the platform.
- Tools in Symbol Hub update simultaneously when you enter a new symbol.
- Switch your view between research and live data with a single click.



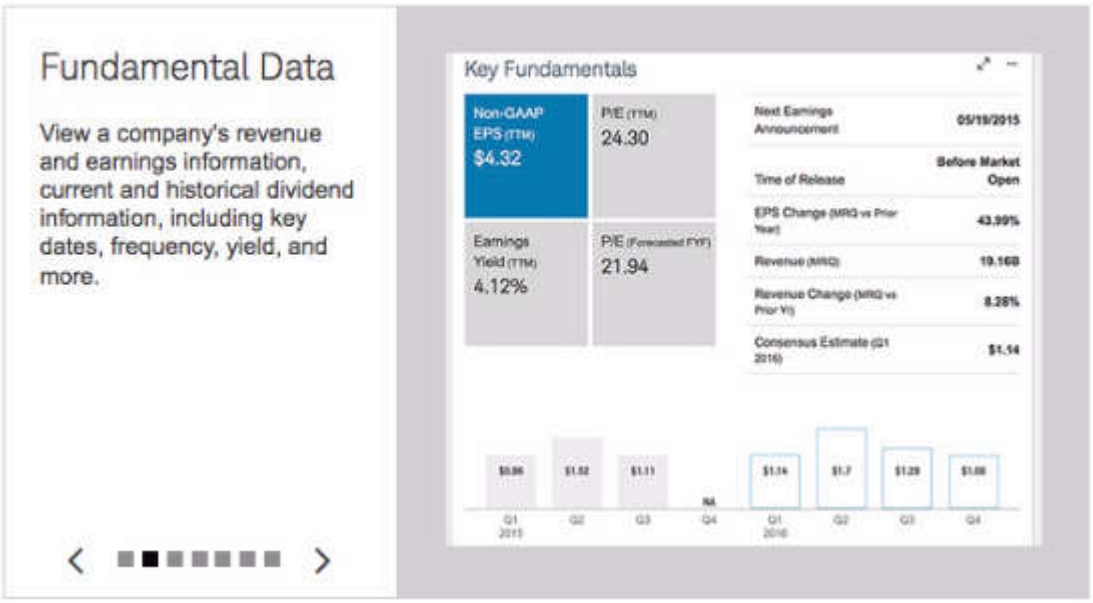
http://www.schwab.com/public/schwab/active_trader/trading_tools/trading_software/research_analyze

14. The Product's servers have processing elements comprising a processor coupled to a memory. The Product's servers, for example, execute instructions in response to user requests for content, order placement and dashboard configuration using a processor. Further, the Product's servers comprise a volatile memory (such as RAM) used for executing the instructions using the processor. Further, the Product's servers also comprise a non-volatile memory that stores user preferences, order history, dashboard and portfolio information. Certain aspects of the foregoing are illustrated in the screenshots below.

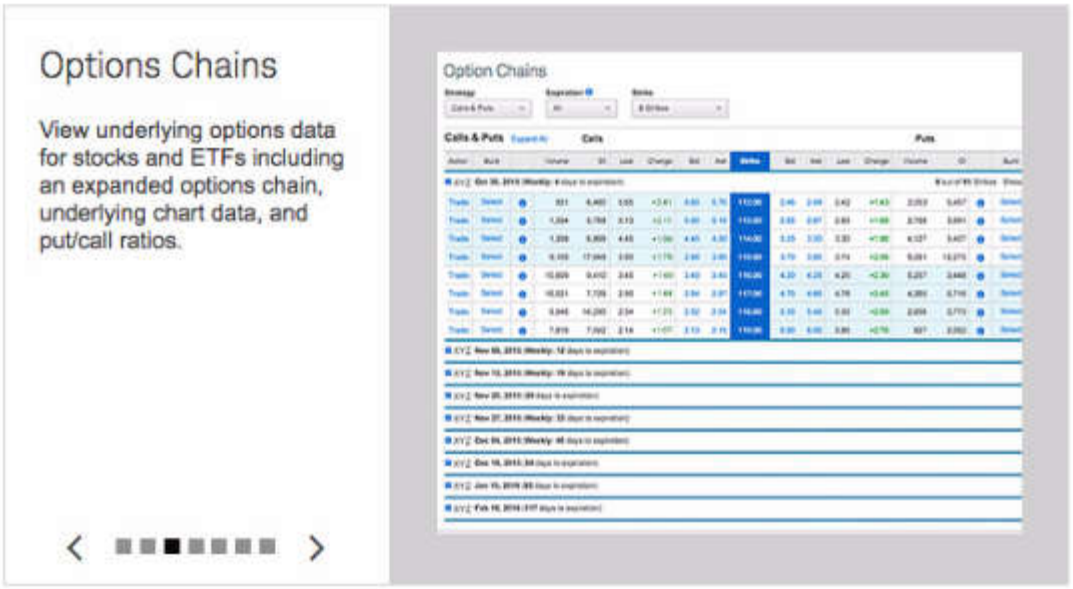
View more Schwab.com trading features



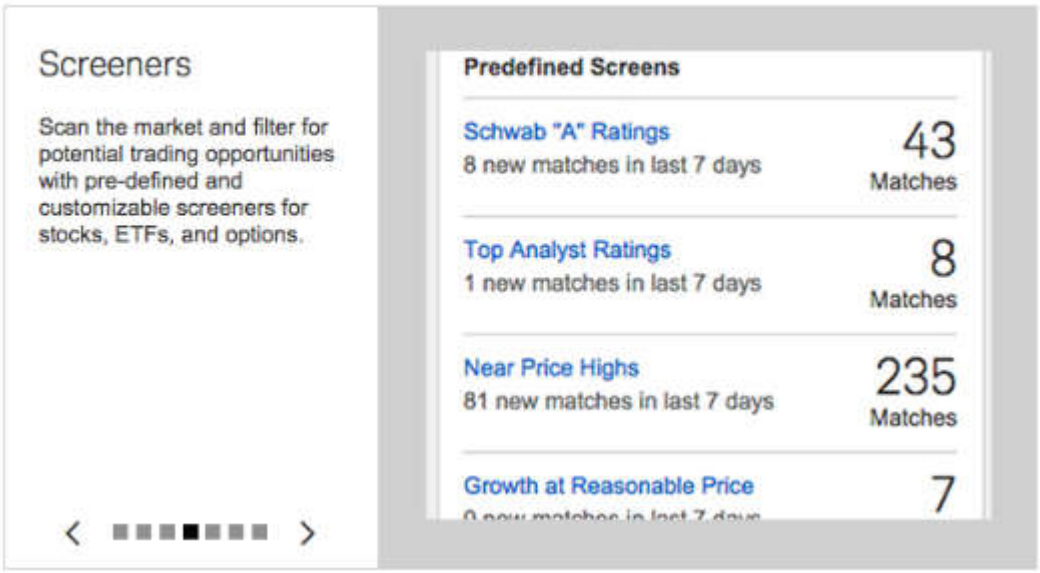
View more Schwab.com trading features



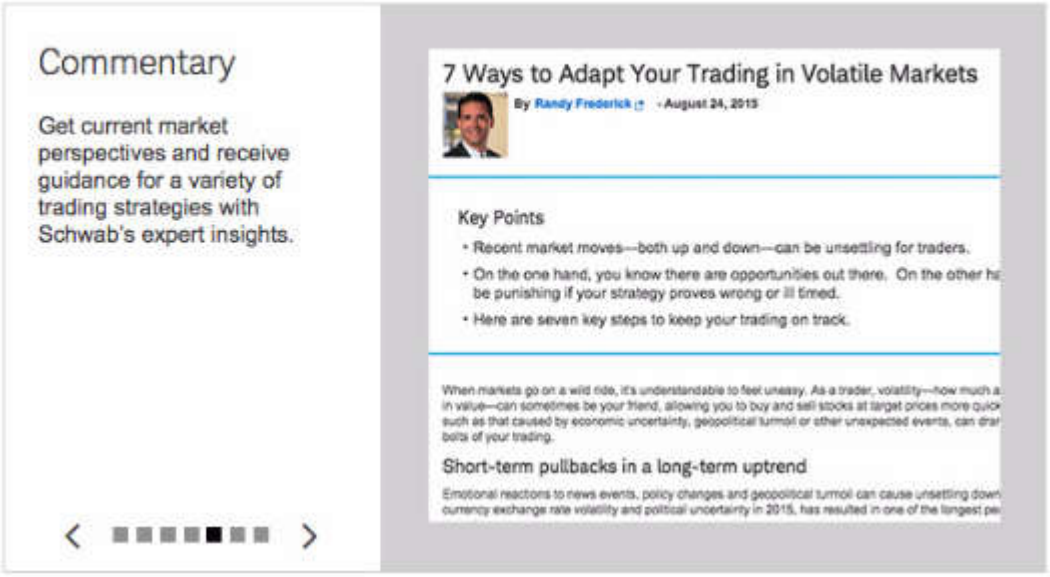
View more Schwab.com trading features



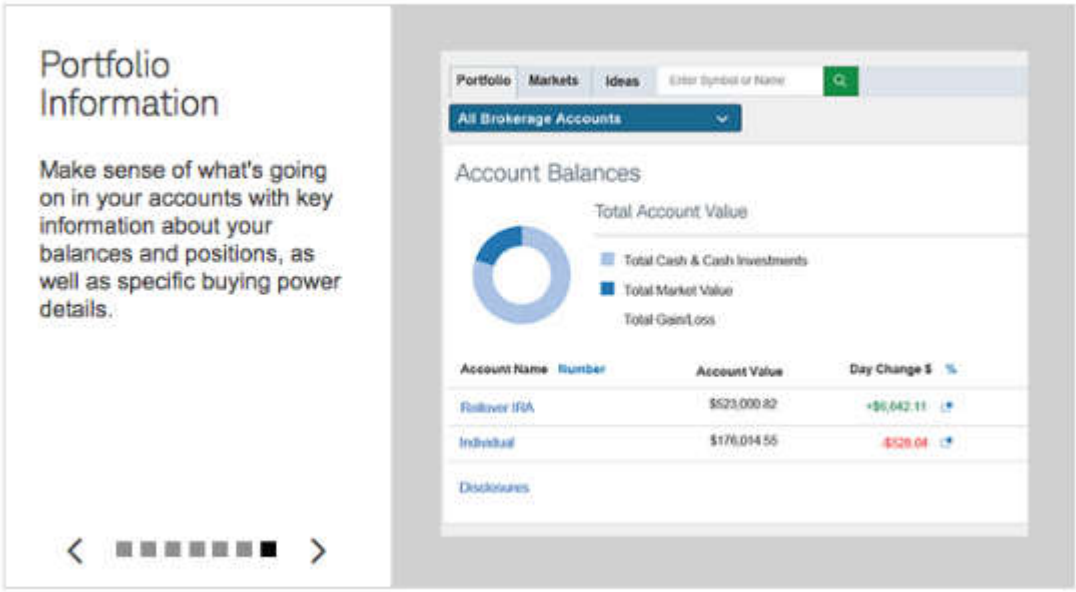
View more Schwab.com trading features



View more Schwab.com trading features



View more Schwab.com trading features



http://www.schwab.com/public/schwab/active_trader/trading_tools/web_trading

Access StreetSmart Edge® Over the Web

Cloud technology provides a way for traders to experience our premier software-based trading platform over the web.

Get 500 commission-free online equity and options trades for two years.

Learn More

Overview

Software performance, web convenience

Take advantage of the cloud version of StreetSmart Edge for convenient web access to Schwab's most advanced and intuitive desktop trading application.

A new level of control for web traders

Experience web trading with all the advantages of our very best trading software. Create and edit multiple layouts. Customize tools and move them around. Expand the platform to multiple monitors. All with streaming, real-time data.

Works on a Mac and a PC

Don't limit your trading experience due to hardware compatibility issues. StreetSmart Edge in the cloud is accessed and used entirely over the web using a Mac or PC computer.

Access your trading anywhere

Schwab uses innovative cloud-based technology to run StreetSmart Edge from Schwab's servers, instead of on your computer. Access through Schwab.com means that you can get to your trading from home, work, or wherever.

Pick up where you left off

Your StreetSmart Edge in the cloud layout and tool preferences are saved automatically. So no matter how many computers you use, your custom settings are always exactly as you left them.

Need more information? View the System Requirements below.

http://www.schwab.com/public/schwab/active_trader/trading_tools/trading_software/access_over_web

Trading Software: Customize Platform

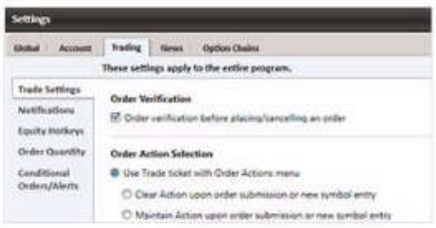
The flexible trading environment of StreetSmart Edge® grows with you, so as your skills or strategies change, you can add or modify the tool features to fit your evolving needs.

Customize Layouts

- Create and edit multiple layouts to support tool combinations for different trading tasks (for example one layout optimized for stocks and another for options).
- Drag layout containers to a different screen when using multiple monitors.

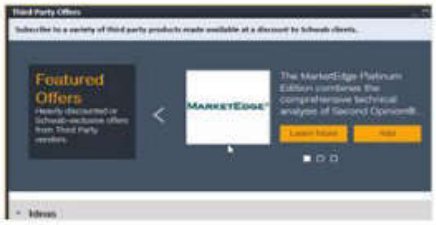
Tool Linking

- Link multiple sets of tools to follow the same security.
- When the security symbol is changed in one, all linked tool windows will update to the new symbol—so you see the data you want automatically.



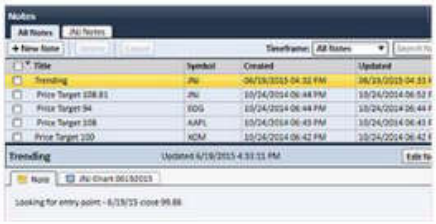
Settings

Make changes to StreetSmart Edge that apply to the entire platform or individual tools for more control over your trading platform's look and function.



Trader's Marketplace

- Access discounted third-party resources for decision support.
- Add your resources directly to your workflow.



Notes

- Use the notes to reference past insights as you work in tools such as Charts, Watch Lists, Screener Plus, Account Details, and more.
- Search your notes based on content or filter them based on time.

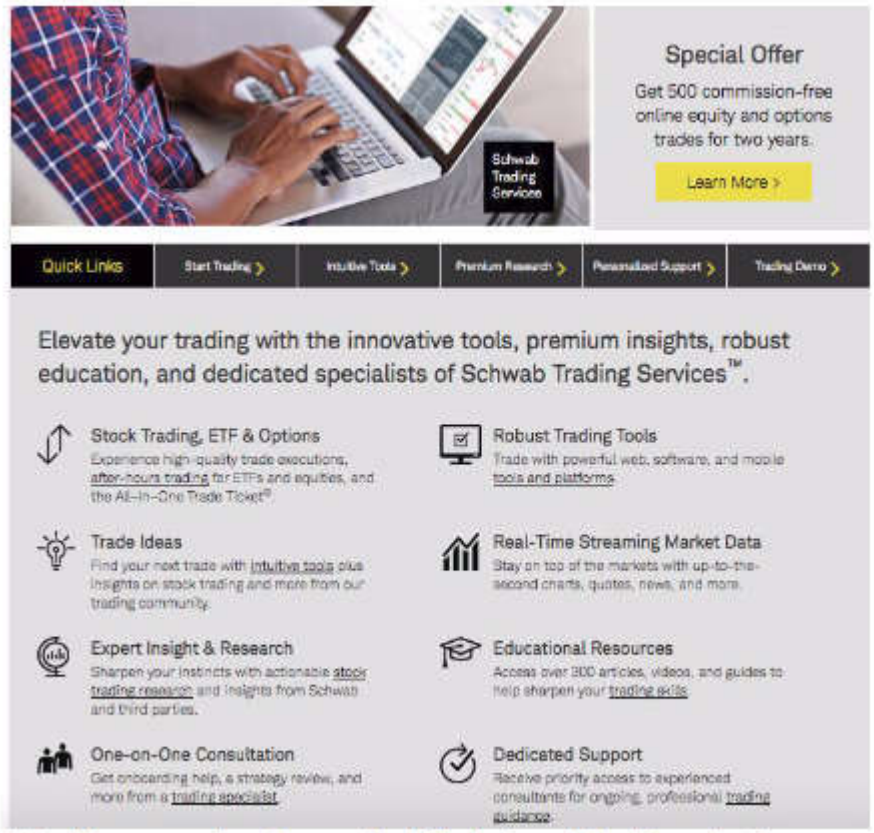
More Customizations

- Add tool window tabs.
- Use handy right-click and action menus.
- Use "Workspace Zoom" to magnify or reduce the platform to size tools to your preference.

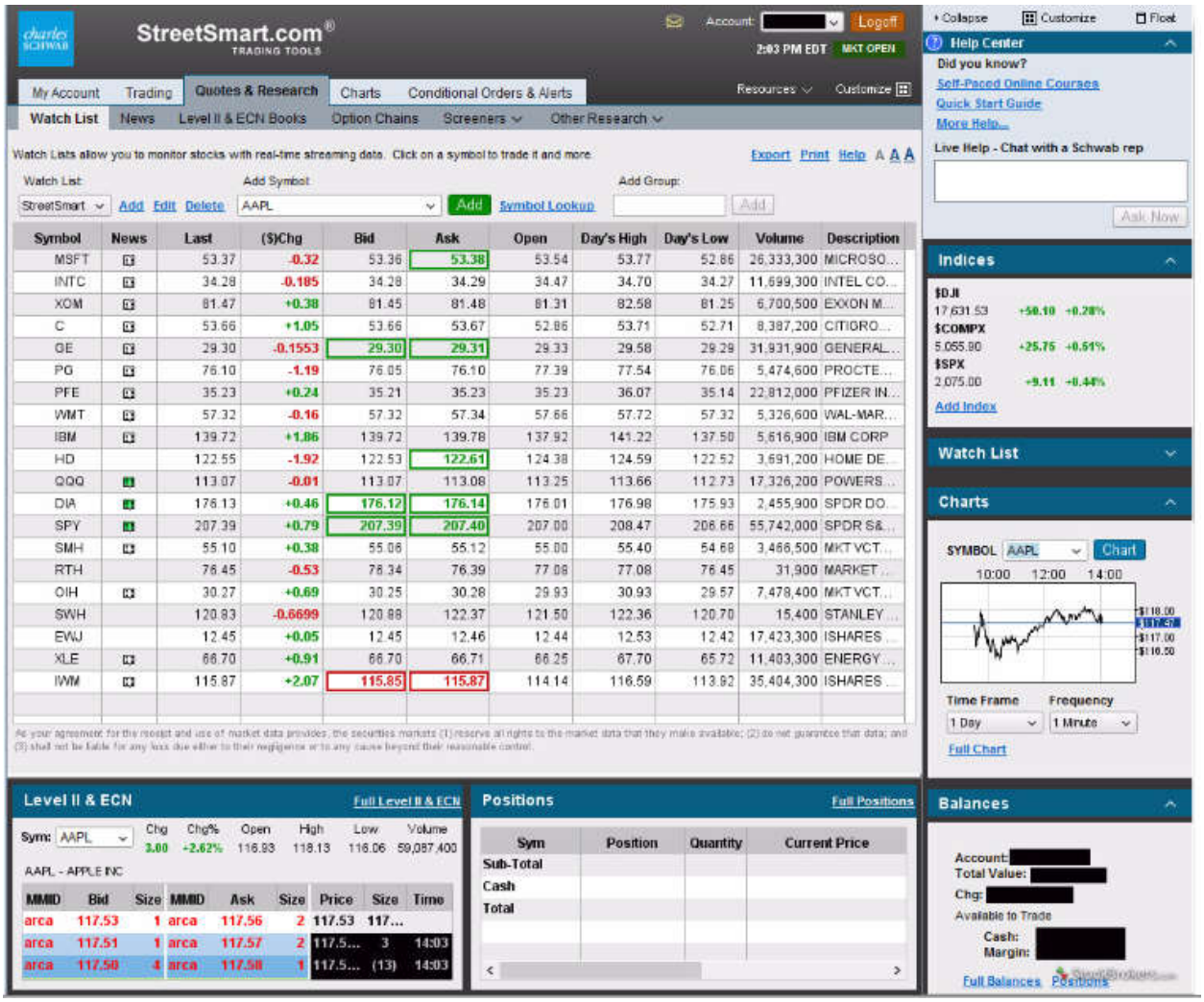
http://www.schwab.com/public/schwab/active_trader/trading_tools/trading_software/customize_platform

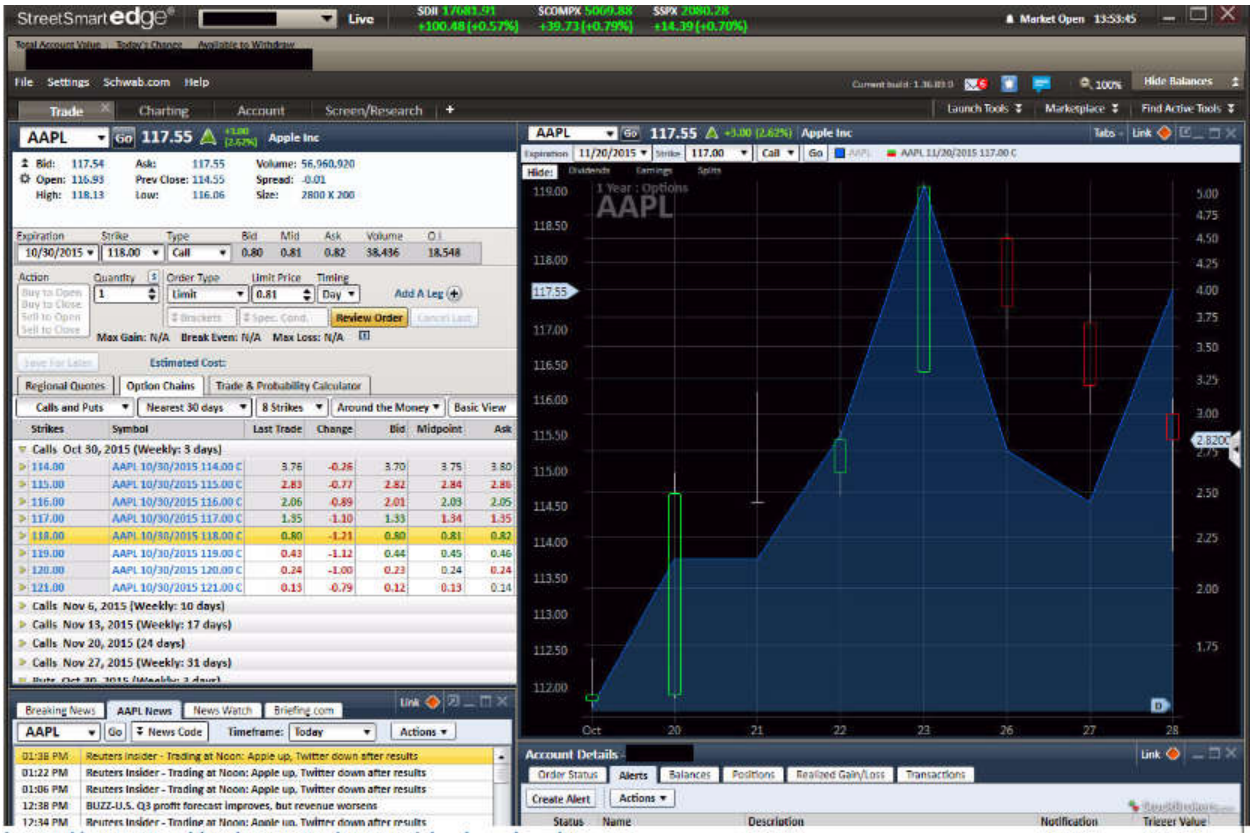
15. The processors provide at least a portion of a content management website identified by a first uniform resource locator that can be accessed over the Internet using a web browser. For example, the Product's content management website is accessible to a user and is identified by the URL http://www.schwab.com/public/schwab/active_trader. The Product allows users to designate one or more stock symbols using the "full" website (the claimed "content management website") and add the stock symbols to one or more "watch lists." Once a stock symbol has been added to a watch list, a user clicks on the stock symbol via a hyperlink and accesses information associated with that stock symbol from external data sources, including but

not limited to news, quotes and analysis charts associated with the stock symbol. Only stock symbols designated by the user are added and accessible through such watch lists. Therefore, by designating one or more stock symbols to be added into watch lists on the Product's content management website, a user designates the external data sources that provide information including but not limited to news, quotes and analysis charts associated with that stock symbol. Certain aspects of the foregoing are illustrated in the screen shots below.



http://www.schwab.com/public/schwab/active_trader


StreetSmart.com
TRADING TOOLS
Account:
Logoff
2:03 PM EDT
MKT OPEN
My Account
Trading
Quotes & Research
Charts
Conditional Orders & Alerts
Resources
Customize
Watch List
News
Level II & ECN Books
Option Chains
Screeners
Other Research
Watch Lists allow you to monitor stocks with real-time streaming data. Click on a symbol to trade it and more.
Export
Print
Help
Watch List:
StreetSmart
Add
Edit
Delete
Add Symbol:
AAPL
Add
Symbol Lookup
Add Group:
Add
Symbol | News | Last | ($)Chg | Bid | Ask | Open | Day's High | Day's Low | Volume | Description
MSFT | 53.37 | -0.32 | 53.36 | 53.38 | 53.54 | 53.77 | 52.86 | 26,333,300 | MICROSO...
INTC | 34.28 | -0.185 | 34.28 | 34.29 | 34.47 | 34.70 | 34.27 | 11,699,300 | INTEL CO...
XOM | 81.47 | +0.38 | 81.45 | 81.48 | 81.31 | 82.58 | 81.25 | 6,700,500 | EXXON M...
C | 53.66 | +1.05 | 53.66 | 53.67 | 52.86 | 53.71 | 52.71 | 8,387,200 | CITIGRO...
GE | 29.30 | -0.1553 | 29.30 | 29.31 | 29.33 | 29.58 | 29.29 | 31,931,900 | GENERAL...
PG | 76.10 | -1.19 | 76.05 | 76.10 | 77.39 | 77.54 | 76.06 | 5,474,600 | PROCTE...
PFE | 35.23 | +0.24 | 35.21 | 35.23 | 35.23 | 36.07 | 35.14 | 22,812,000 | PFIZER IN...
WMT | 57.32 | -0.16 | 57.32 | 57.34 | 57.66 | 57.72 | 57.32 | 5,326,600 | WAL-MAR...
IBM | 139.72 | +1.86 | 139.72 | 139.78 | 137.92 | 141.22 | 137.50 | 5,616,900 | IBM CORP
HD | 122.55 | -1.92 | 122.53 | 122.61 | 124.38 | 124.59 | 122.52 | 3,691,200 | HOME DE...
QQQ | 113.07 | -0.01 | 113.07 | 113.08 | 113.25 | 113.66 | 112.73 | 17,326,200 | POWERS...
DIA | 176.13 | +0.46 | 176.12 | 176.14 | 176.01 | 176.98 | 175.93 | 2,455,900 | SPDR DO...
SPY | 207.39 | +0.79 | 207.39 | 207.40 | 207.00 | 208.47 | 206.66 | 55,742,000 | SPDR S&...
SMH | 55.10 | +0.38 | 55.06 | 55.12 | 55.00 | 55.40 | 54.68 | 3,466,500 | MKT VCT...
RTH | 76.45 | -0.53 | 76.34 | 76.39 | 77.08 | 77.08 | 76.45 | 31,900 | MARKET...
OIH | 30.27 | +0.69 | 30.25 | 30.28 | 29.93 | 30.93 | 29.57 | 7,478,400 | MKT VCT...
SWH | 120.93 | -0.6699 | 120.88 | 122.37 | 121.50 | 122.36 | 120.70 | 15,400 | STANLEY...
EWJ | 12.45 | +0.05 | 12.45 | 12.46 | 12.44 | 12.53 | 12.42 | 17,423,300 | ISHARES...
XLE | 66.70 | +0.91 | 66.70 | 66.71 | 66.25 | 67.70 | 65.72 | 11,403,300 | ENERGY...
IWM | 115.87 | +2.07 | 115.85 | 115.87 | 114.14 | 116.59 | 113.92 | 35,404,300 | ISHARES...
As your agreement for the receipt and use of market data provided, the securities markets (1) reserve all rights to the market data that they make available; (2) do not guarantee that data; and (3) shall not be liable for any loss due either to their negligence or to any cause beyond their reasonable control.
Collapse
Customize
Float
Help Center
Did you know?
Self-Paced Online Courses
Quick Start Guide
More Help...
Live Help - Chat with a Schwab rep
Ask Now
Indices
$DJI
17,631.53 +50.10 +0.28%
$COMPX
5,055.90 +25.75 +0.51%
$SPX
2,075.00 +9.11 +0.44%
Add Index
Watch List
Charts
SYMBOL AAPL
Chart
10:00
12:00
14:00
$118.00
$117.50
$117.00
$116.50
Time Frame
1 Day
Frequency
1 Minute
Full Chart
Level II & ECN
Full Level II & ECN
Sym: AAPL
Chg
Chg%
Open
High
Low
Volume
3.00
+2.62%
116.93
118.13
116.06
59,087,400
AAPL - APPLE INC
MMID | Bid | Size | MMID | Ask | Size | Price | Size | Time
arca | 117.53 | 1 | arca | 117.56 | 2 | 117.53 | 117...
arca | 117.51 | 1 | arca | 117.57 | 2 | 117.5... | 3 | 14:03
arca | 117.50 | 4 | arca | 117.58 | 1 | 117.5... | (13) | 14:03
Positions
Full Positions
Sym | Position | Quantity | Current Price
Sub-Total
Cash
Total
Balances
Account:
Total Value:
Chg:
Available to Trade
Cash:
Margin:
Full Balances
Positions



https://www.stockbrokers.com/review/charlesschwab

View more Schwab.com trading features

Proprietary and Third-Party Research

Gain additional perspectives on the markets with guidance from Schwab and independent firms. And for the stocks you're interested in, access our proprietary Schwab Equity Ratings® reports, plus buy-hold-sell recommendations from Market Edge® and Briefing.com.

MORNINGSTAR®

BRIEFING.COM® Live Market Analysis

Ned Davis Research Group

ARGUS®

CREDIT SUISSE

MARKET EDGE®

http://www.schwab.com/public/schwab/active_trader/trading_tools/web_trading

https://www.stockbrokers.com/review/charlesschwab

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Learn More

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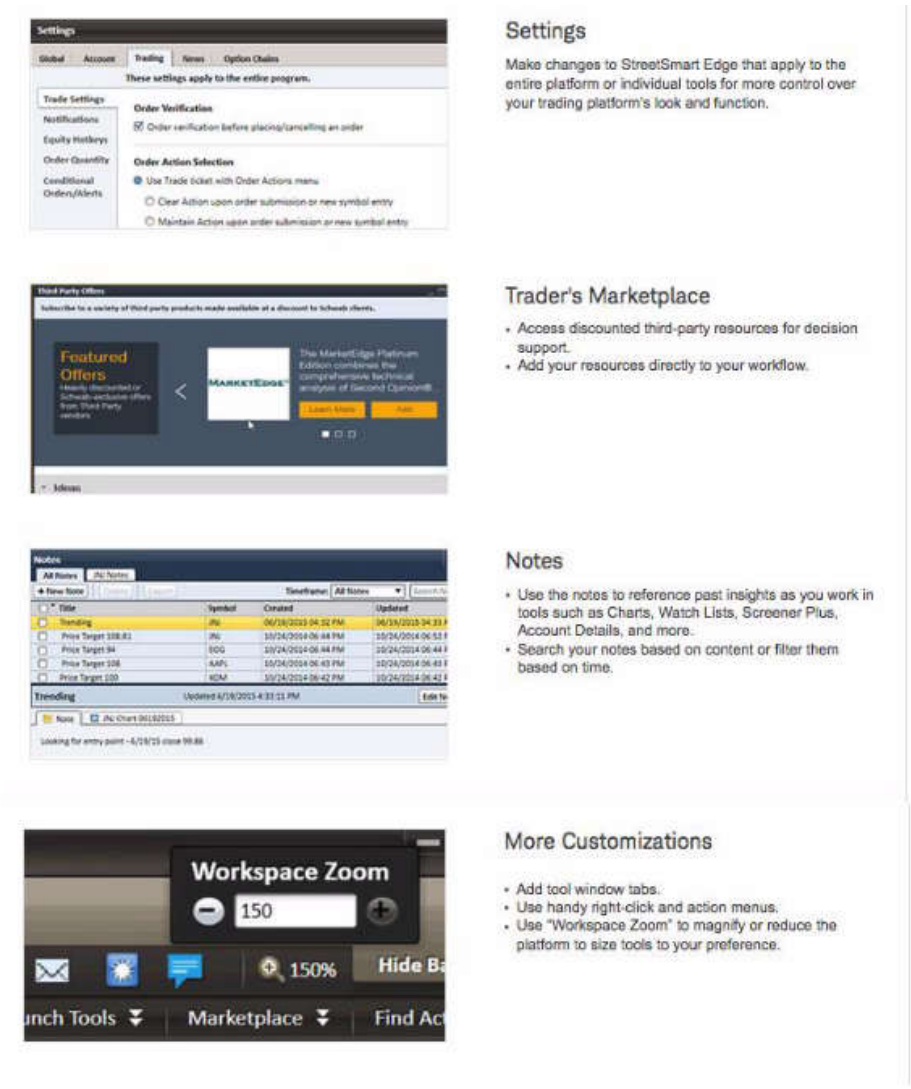
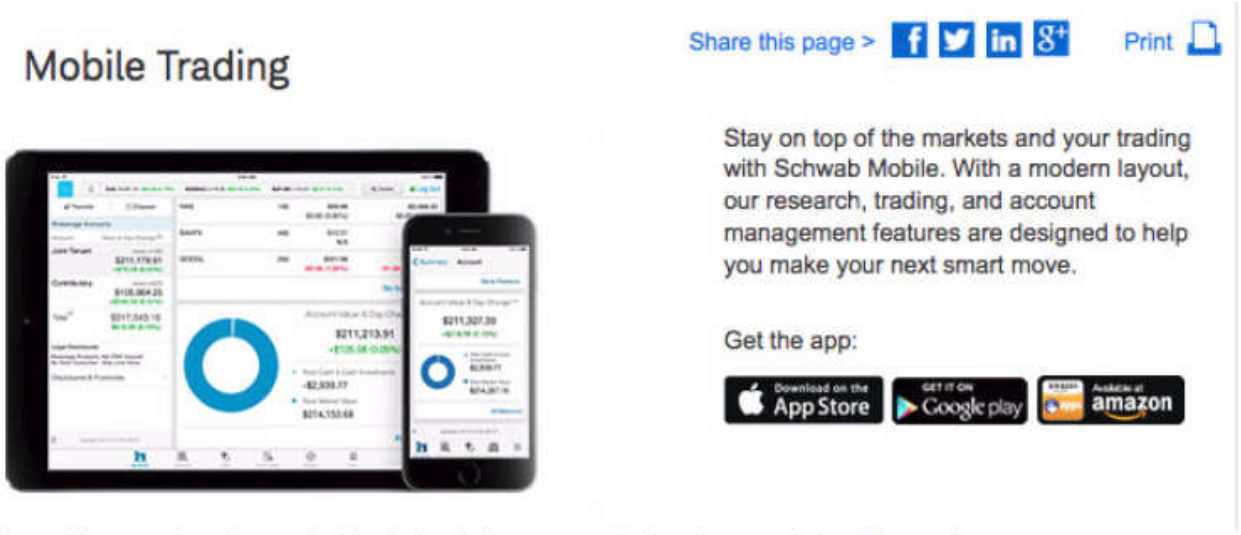


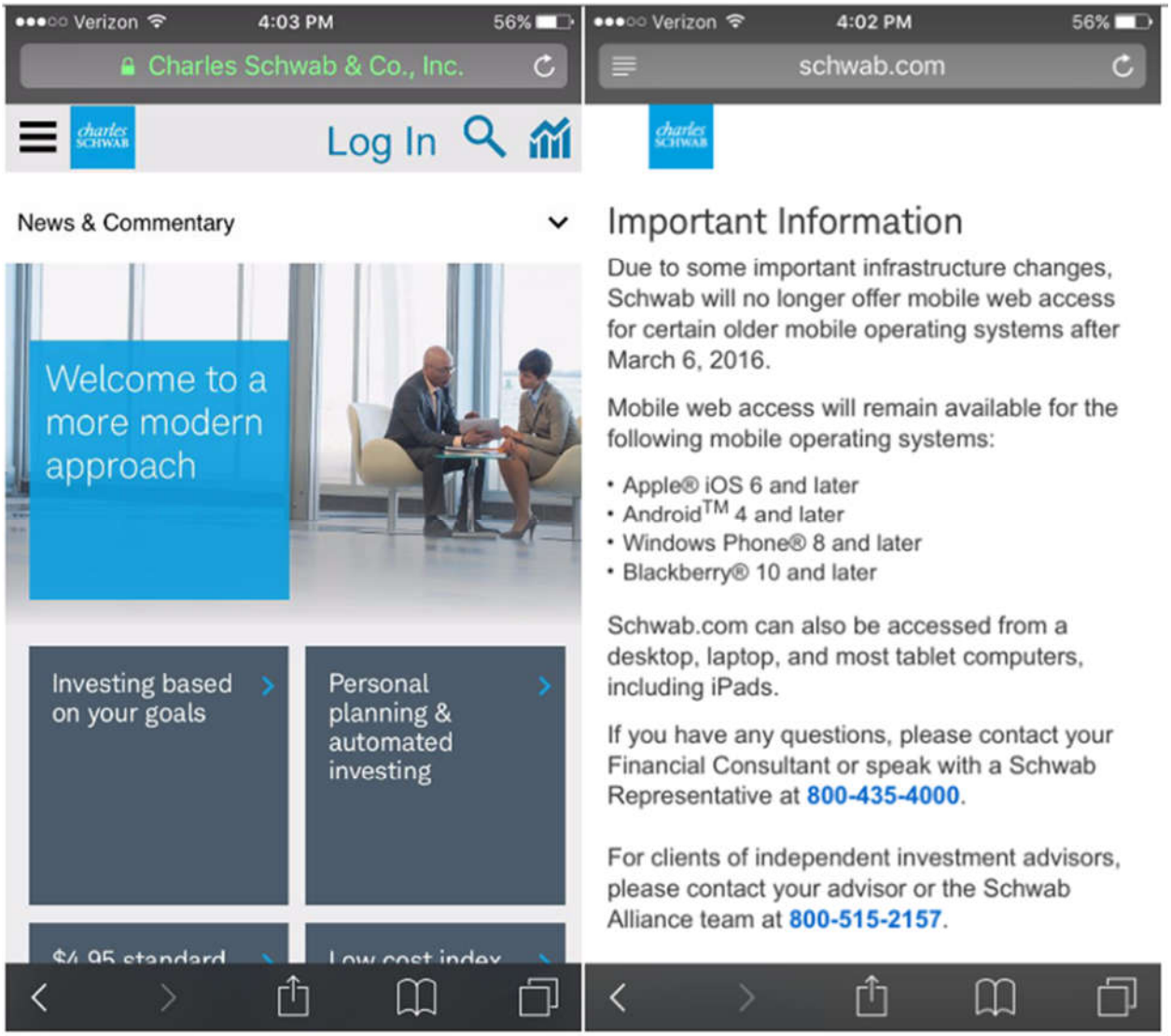
http://www.schwab.com/public/schwab/active_trader/trading_tools/trading_software/customize_platform

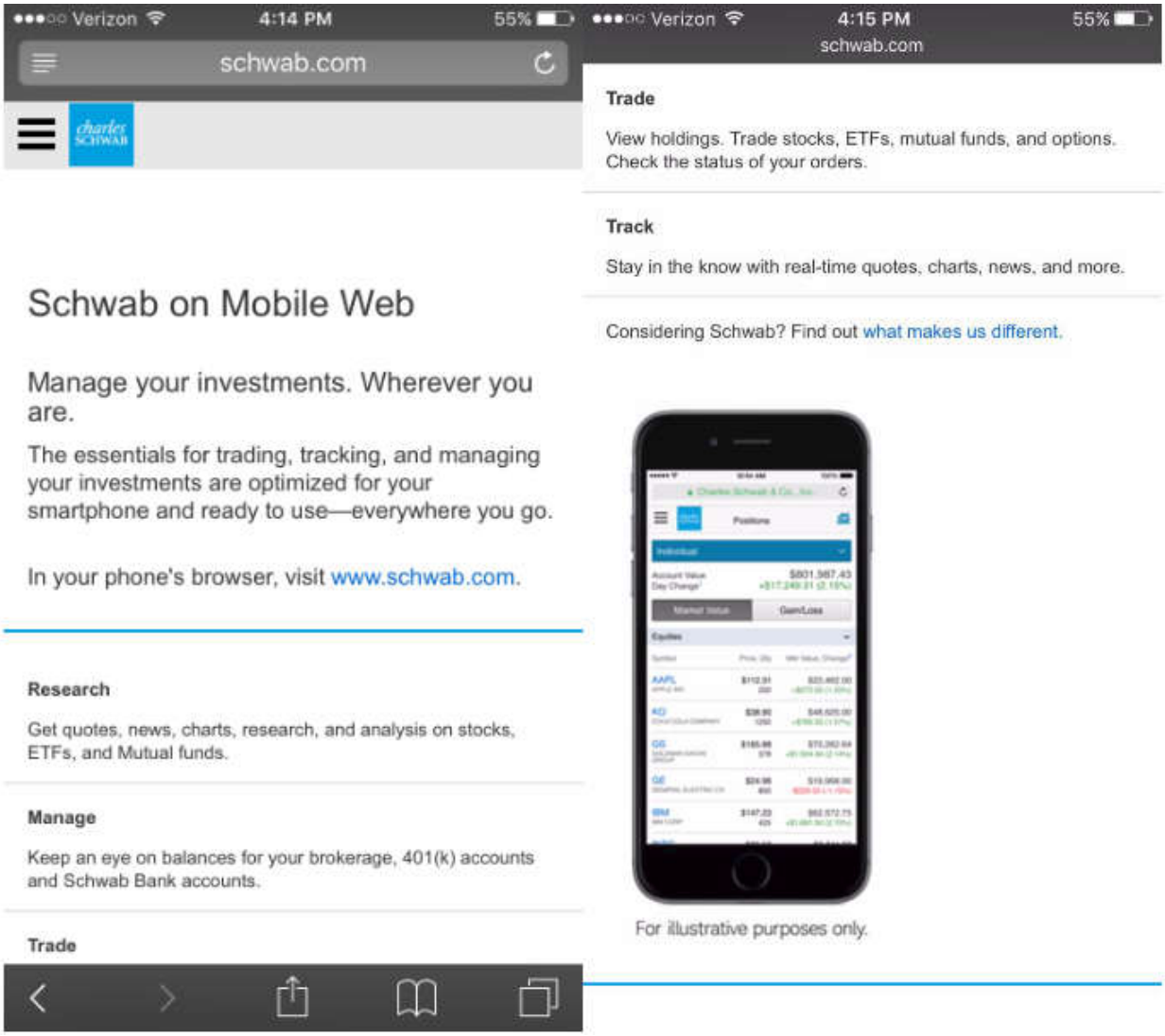
16. The processor also generates a mobile website identified by a second uniform resource locator different than the first uniform resource locator, the mobile web site being accessible independently of the content management web site via one or more mobile devices. For example, the Product's mobile trading platform (the claimed "mobile web site") is accessible via the URL https://www.schwab.com/https://content.capitaloneinvesting.com/mgdcon/jump/srch/od/public/schwab/active_trader. This is distinct and easily distinguished from the "full" website (the claimed "content management website") accessible via the URL

http://www.schwab.com/public/schwab/active_trader. Users access the mobile web trading platform using a mobile browser application installed on their mobile devices. The Product's mobile web trading platform is thus accessible independently of the "full" website. Further, the watch lists, stock symbols designated by the user to be added in the watch lists, and the information including but not limited to news, quotes and analysis charts associated with the designated stock symbols are also made accessible to the user via the mobile web trading platform (the claimed "mobile web site"). Further, the mobile web trading platform (the claimed "mobile web site") receives the information including, but not limited to, news, quotes and analysis charts associated with the designated stock symbols directly from the external data sources that provide the aforementioned information. These external data sources include at least one or more news publishers (for news and articles), stock exchange servers (for price quotes) and Defendant and/or third party servers that process and store historical prices and analyst research (for charts), each of which are external to the "full" website and external to the mobile web trading platform. Certain aspects of the foregoing are illustrated in the screenshots below.



http://www.schwab.com/public/schwab/active_trader/trading_tools/mobile_trading


Verizon 4:03 PM 56%
Charles Schwab & Co., Inc.
Log In
News & Commentary
Welcome to a more modern approach
Investing based on your goals
Personal planning & automated investing
Verizon 4:02 PM 56%
schwab.com
Important Information
Due to some important infrastructure changes, Schwab will no longer offer mobile web access for certain older mobile operating systems after March 6, 2016.
Mobile web access will remain available for the following mobile operating systems:
• Apple® iOS 6 and later
• Android™ 4 and later
• Windows Phone® 8 and later
• Blackberry® 10 and later
Schwab.com can also be accessed from a desktop, laptop, and most tablet computers, including iPads.
If you have any questions, please contact your Financial Consultant or speak with a Schwab Representative at 800-435-4000.
For clients of independent investment advisors, please contact your advisor or the Schwab Alliance team at 800-515-2157.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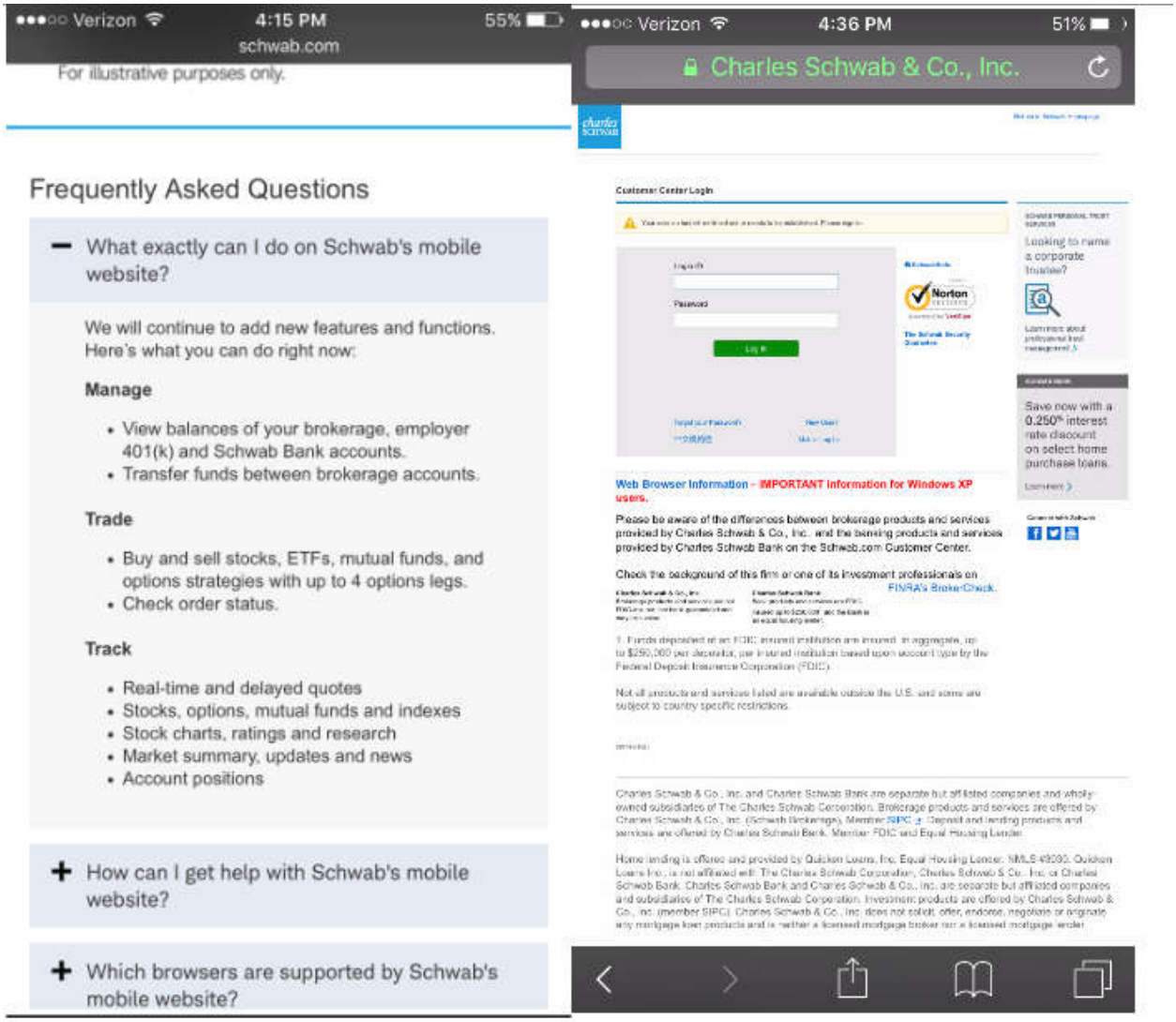
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Frequently Asked Questions
What exactly can I do on Schwab's mobile website?
We will continue to add new features and functions. Here's what you can do right now:
Manage
View balances of your brokerage, employer 401(k) and Schwab Bank accounts.
Transfer funds between brokerage accounts.
Trade
Buy and sell stocks, ETFs, mutual funds, and options strategies with up to 4 options legs.
Check order status.
Track
Real-time and delayed quotes
Stocks, options, mutual funds and indexes
Stock charts, ratings and research
Market summary, updates and news
Account positions
How can I get help with Schwab's mobile website?
Which browsers are supported by Schwab's mobile website?
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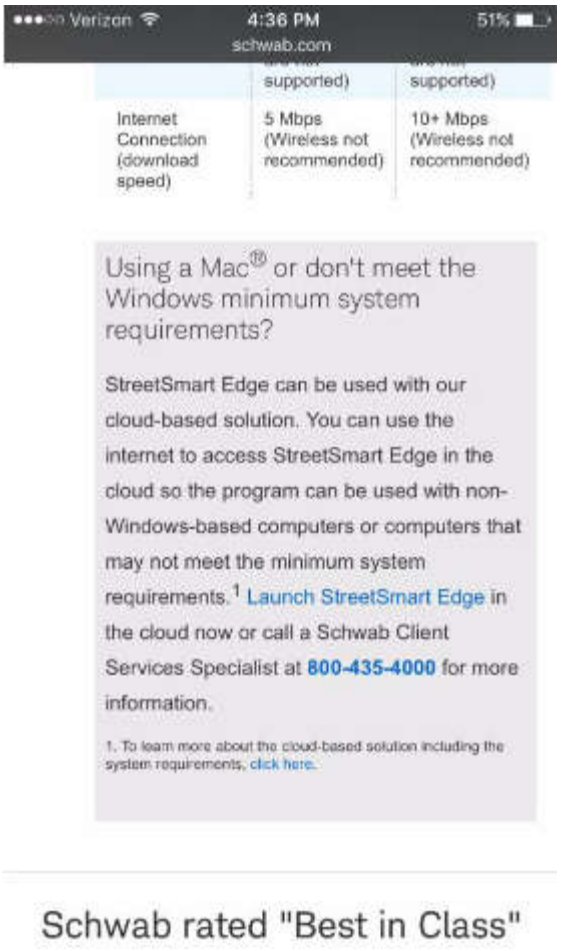
Check the background of this firm or one of its investment professionals on FINRA's BrokerCheck.
Charles Schwab & Co., Inc. and Charles Schwab Bank are separate but affiliated companies and wholly owned subsidiaries of The Charles Schwab Corporation. Brokerage products and services are offered by Charles Schwab & Co., Inc. (Schwab Brokerage), Member SIPC. Deposit and lending products and services are offered by Charles Schwab Bank. Member FDIC and Equal Housing Lender.
Home lending is offered and provided by Quicken Loans, Inc. Equal Housing Lender. NMLS #3030. Quicken Loans Inc., is not affiliated with The Charles Schwab Corporation, Charles Schwab & Co., Inc. or Charles Schwab Bank. Charles Schwab Bank and Charles Schwab & Co., Inc. are separate but affiliated companies and subsidiaries of The Charles Schwab Corporation. Investment products are offered by Charles Schwab & Co., Inc. (member SIPC). Charles Schwab & Co., Inc. does not solicit, offer, endorse, negotiate or originate any mortgage loan products and is neither a licensed mortgage broker nor a licensed mortgage lender.



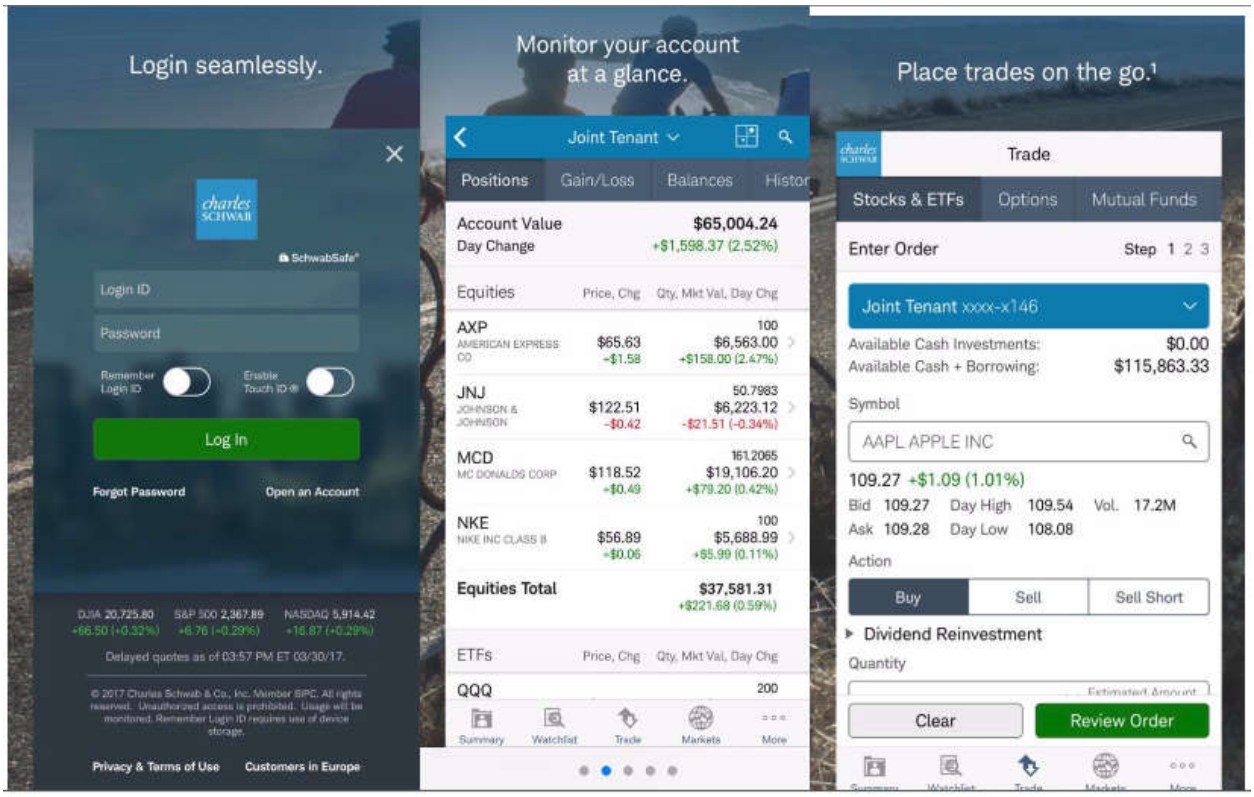
17. Additionally, to the extent users access the trading platform not through the mobile web trading platform (using a mobile web browser installed on their mobile device), but instead through one of a plurality of mobile apps offered by Defendant, these mobile apps also practice the claim limitation under doctrine of equivalents. The mobile apps are applications that can be installed on a user's Android/iOS mobile device much like a mobile browser – and provide an interface for the user to view the same stock symbols and the associated information from external data sources as described above. Upon information and belief, the interface is generated at least in part using information received from the same URLs as the mobile web trading platform. Defendant offers at least the following such mobile apps each for Android and iOS mobile devices:

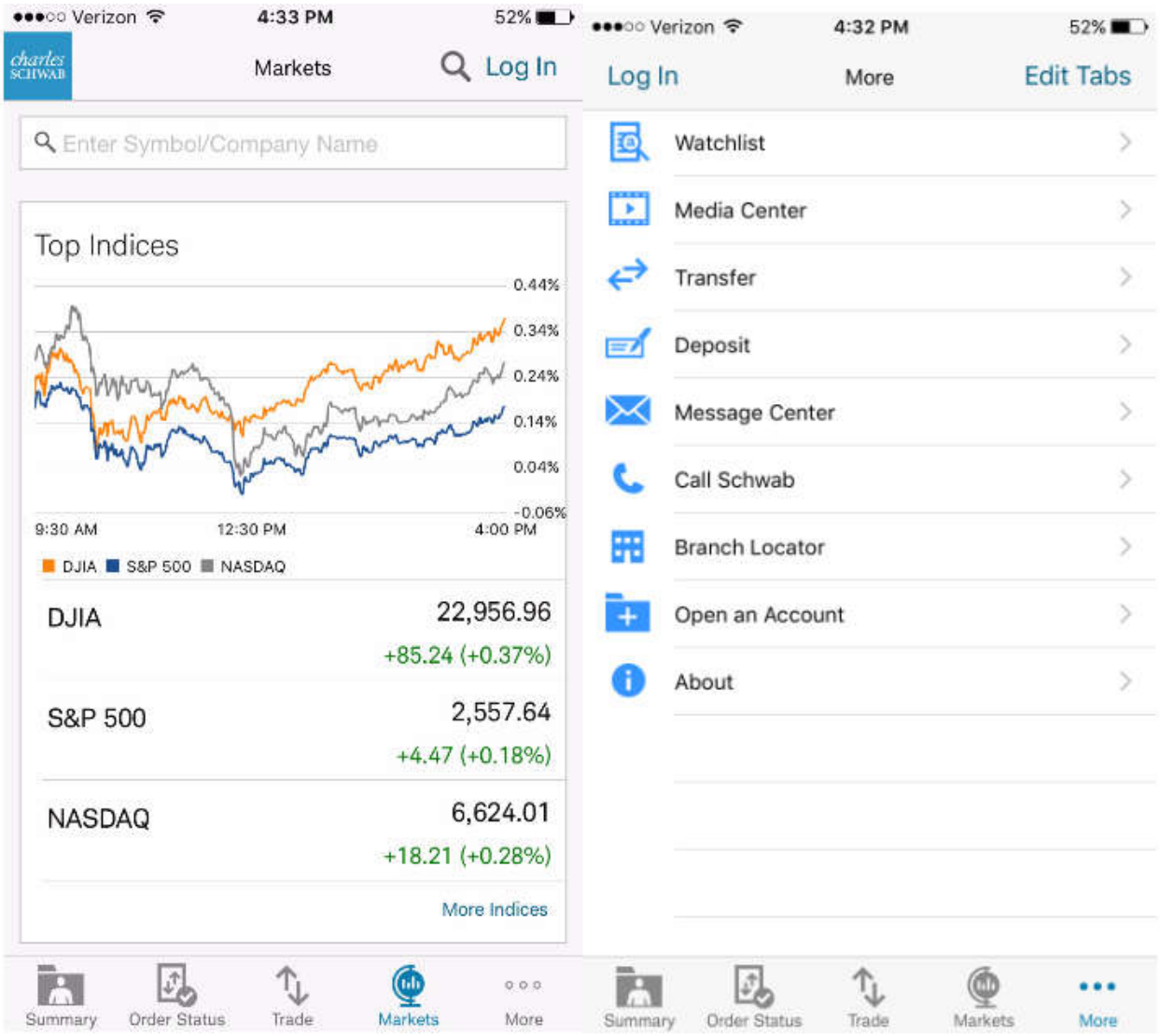
- Schwab Mobile for Android

(https://play.google.com/store/apps/details?id=com.schwab.mobile)

- Schwab Mobile: Amazon App for Android (Amazon Fire Stick and Kindle devices) (https://www.amazon.com/Charles-Schwab-Co-Inc-Mobile/dp/B006M4BUBG/ref=sr_1_1?s=mobile-apps&ie=UTF8&qid=1333480414&sr=1-1)
- Schwab Mobile for iOS (iPhone, iPad, Apple Watch) (https://itunes.apple.com/app/schwab-mobile/id407358186?mt=8)

The following screenshots from the Charles Schwab Mobile for iOS as an exemplary mobile app show the interface provided to the user for viewing stock symbols designated in one or more watch lists and the associated information such as news, quotes and charts received directly from external data sources.





18. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

24. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendants are enjoined and restrained by this Court.

25. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Award Plaintiff past and future damages, costs, and expenses resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(c) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: October 25, 2017

Respectfully submitted,

/s/ Jay Johnson

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ATTORNEYS FOR PLAINTIFF

EXHIBIT A